

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

THE STATE OF TEXAS, et al.,	§	
	§	
Plaintiffs,	§	
v.	§	Civil Action No. 4:20-cv-00957-SDJ
	§	
GOOGLE LLC,	§	
	§	
Defendant.	§	

**GOOGLE LLC’S UNOPPOSED MOTION  
FOR LEAVE TO FILE UNDER SEAL**

Defendant Google LLC (“Google”) respectfully moves to seal its July 10, 2024 Motion to Clarify the Court’s Scheduling Order to Provide for Potential Post-Trial Proceedings on Injunctive Relief (“Motion to Clarify”) and accompanying Exhibit B to the Declaration of James K. Hunsberger (“Exhibit B”). Pursuant to Rule CV-5(a)(7), Google will file redacted copies of the Motion to Clarify and Exhibit B within seven days.

**LEGAL STANDARD**

While there is “[t]here is a strong presumption in favor of a common law right of public access to court proceedings,” *United States v. Holy Land Found. for Relief & Dev.*, 624 F.3d 685, 690 (5th Cir. 2010), the “right to inspect and copy judicial records is not absolute,” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978). For example, courts have recognized that the public’s right to access is appropriately limited to protect individual privacy, *Pugh v. Walmart Stores, Inc. Texas Inj. Care Benefit Plan*, No. 1:16-CV-490, 2017 WL 11664888, at \*1 (E.D. Tex. May 30, 2017), and “sources of business information that might harm a litigant’s competitive standing,” *Nixon*, 435 U.S. at 598.

In exercising its discretion to seal judicial records, “the Court must balance the public’s common law right of access against the interests favoring nondisclosure.” *S.E.C. v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993); *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 419 (5th Cir. 2021) (directing courts to balance right of access against interest of nondisclosure).

### **ARGUMENT**

In limited portions of its Motion to Clarify, Google references, quotes from, and addresses issues relating to a report Plaintiffs served during expert discovery, which Plaintiffs have designated as Highly Confidential pursuant to this Confidentiality Order governing this case. *See* Local Rule CV-5(a)(7)(E); ECF No. 182.

Moreover, Exhibit B to the Motion to Clarify refers to the names of deposed Google employees, who have strong privacy interests in preventing their names from being publicly disclosed. District courts routinely recognize that the public’s general right of access is far outweighed by the interest in protecting individual privacy here. *See, e.g., In re Google Digital Advertising Antitrust Litig.*, No. 1:21-md-03010-PKC, 2021 WL 4848758, at \*5 (S.D.N.Y. Oct. 15, 2021) (Castel, J.), ECF No. 147 at 9 (granting motion to seal employee names: “The names and contact information of these employees have no apparent bearing on any issue in this dispute. The privacy interests of these Google employees outweighs the strong presumption of public access.”).

Accordingly, Google moves to file the Motion to Clarify and Exhibit B under seal. Google will file redacted versions of the Motion to Clarify and Exhibit B on the docket within seven days.

## CONCLUSION

For the foregoing reasons, Google's request to file the Motion to Clarify and Exhibit B under seal should be granted.

Dated: July 10, 2024

Respectfully submitted,

/s/ R. Paul Yetter

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**CERTIFICATE OF SERVICE**

I certify that on July 10, 2024, this document was filed electronically in compliance with Local Rule CV-5(a) and served on all counsel who have consented to electronic service, per Local Rule CV-5(a)(3)(A).

/s/ R. Paul Yetter  
R. Paul Yetter

**CERTIFICATE OF CONFERENCE**

I hereby certify that the meet and confer requirements in Local Rule CV-7(h) have been met. This motion is consented to and not opposed by any party.

/s/ R. Paul Yetter  
R. Paul Yetter